THE CASE OF THE BARK PANCHITA.

MR. McKEON TO MR. CASS. SOUTHERN DISTRICT OF NEW YORK, U. S. DISTRICT ATTORNEY'S OFFICE, New-York, July 30

Sin: I have the honor to acknowledge the receipt your letter, dated the 15th met., containing a copy a communication from Messrs. Beebe, Dean & Donme, respecting the seizure of the bark Panchita by British vessel of-war, and requesting from me a ptement of the circumstances connected with such

The bark Parchita was, in the month of October pt, serzed in this harbor on a charge of having been spared for the purpose of carrying slaves from the sat of Africa, in violation of the laws of the United stee. A libel was filed by me, as District Attorney (the United States, on the Sth day of October, 1856 sainet the vessel and cargo. The vessel was claimed a Messre, Wenburg & Weeks, of this city. The cargo as claimed by J. Show the States and Cargo as claimed by J. Show the States and States and States and States and States are stated by J. Show the States and States are stated by J. Show the States and States are stated by J. Show the States and States are stated by J. Show the States and States are stated by J. Show the States are stated by J. Sh as claimed by J. S. Ahea (who transacted business in Reiss, of the firm of Figaniere, Reise & Co.); also, y J. M. Ferreira, and by A. C. De Musquita, who aimed to be the charterer of the vessel. The case as heard before Judge Bette, who, at the December irm of the District Court, dismissed the libel, but orsred a certificate that there was probable cause for se seizure. This certificate was equivalent to a de-iaration that the evidence did not amount to sufficient or the condemnation of the vessel, but that these izure ras made under such circum-tances as warranted sus-

icion and justified the seizure.

The Grand Jury of the District Court of the United states for this District also ordered an indictmen spaints Musquits, Weiburg & Weeks, and Naylor, who was captain of the vessel, for having prepared the vessel with attent to employ her in the slave trade. At the December term of the District Court, three of these paries were tried, viz. Messis. Musquita, Wenburg & Wecks, and sequitted by a petitive.

After the vessel was released and the purite acquitted, the Panchita left the purt, with Captain Sladien as the master. I besed nothing of the movements until the day of the arrival for this port, in chrige of an officer and part of a crew of the British sloop-of-war Sapho. The Manshiel of the United States for this district, on that day, showed me better from the Surveyor's stances I have stated. Immediately, in company with the Marshall, and the United States for this district, on that day, showed me better from the Surveyor's stances I have stated. Immediately in company with the Marshall in the United States authors this city. I there met Lieut Odevsine, was stated to me that he had been directed to deliver the bark to the United States authors it is the state of the Captain States and the states of the Captain States and proceeded to the Panchita to make insight of the Captain States and proceeded to the Panchita to make insight of the Captain States and the captain States, place and proceeded to the Panchita to make insight of the Captain States, papers from him. A I was not dispanded to allow any further interference (through an apprehension that, if any evidences of guilt existed, they might be destroyed). I directed that no further communication should be had with the vessel, except to allow any party sick on board to be taken to the Loopita.

In this city, it was, it my option, natural that the Panchita should have been watched on the Coast of Africa. The suspicious against the vessel when the process of the coast of the coast of the gravest character, and naturally exposed he to supervision. According to be manifest, when he was selred in New York he had 72 to be manifest, when he was selred in New York he had 72 to be manifest, when he was selred in New York he had 72 to be manifest, when he was selred in New York he had 72 to be made to the coast of the States and the party and the party of the Panchita shou

gation.

The Supreme Court of the United States have already decided.

ion of jurisdiction (if it had any torce) to escape his investigation.

The Supreme Court of the United States have already decided that our courts have jurisdiction of cases of scharces of vessels made within foreign territories for violation of our laws. During the past year the District court of the United States of this District affirmed its jurisdiction, on a scharce made at Port-an-Prince, Hayti, for a violation of our neutrality laws.

The doctrine settled by the courts is, that where an American vessel is employed under circumstances forfeiting her to the United States, then her title is just facts forfeited to the United States by the commission of the offense, and she may be reclaimed and taken anywhere and brought to the United States for adjudication. The violation of the national sovereignty is a question to be settled between the sovereign whose jurisdiction has been in tringed upon and the assailing government. I refer you for this doctrine to the following decisions of the Supreme Court of the United States: The Richmond, 9 Cranch, 102; The Merino, 9 Wheaton, 384.

In the present instance if Portugal has the right to the territory within which the scharce took place, she may have cause to compiain against Fergland for Capit. Moreeby's act, and the United States may have recumnation over against Fortmai for not protecting the American flag; but as between the United States, the science or the character of the power science, but only whether the facts can be construed as proving the forfeiting. Our acts of Congress denounce the peachy of science against our vessels compleyed in the slave-trade. They also provide for one moiety of the vessel condemned to be paid to the United States, and the other to the party who shall see for and prosecute the same to effect. The time and place of science, and the person win shall select are left undetermined, but the tribunal is designed as a court of the United States.

effect. The time and plane of seizure, and the person who shall seize, are left undetermined, but the tribunal is designated as a court of the United States.

The case new presented is one of civil and admirally jurisdic-tion. This jurisdiction extends to all tide waters, and the exizer had, in my judgment, a right to seize anywhere. He schoes for himself and for the United States. If the bark be condemned, be is entitled to one molety, as the United States will be to the other. If he fail, be is in the same condition as any other party, and liable to respond in damages to the party aggrieved by his ligenal acts.

be is entitled to one molety, as the United States will be to do other. If he fail, he is in the same condition as any other pury, and lishle to respond in damages to the party aggreed by his linegal acts.

A perusal of the libel will distinctly advise you of the acts of Congress charged to have been violated. If the facts to be proved maintain the libel, the vessel must be condemned. It is not necessary that the negroes should be on board to constitute the ordense which Corfeits the vessel. The libel planity avers the place of seizure and the official position of Capt. Moreeby If the claimants have any doubt on the subject of the legality of the seizure, it can be determined in court, upon a proper exception, and I am confident that a pudicial decision or such a point would be far more satisfactory as a guide for the action of the Government than the protest of counsel. It seems to me, that the claimants in this case having not only an opportunity to present their views in the District Court of the United States, but also to envise upon their property, the aid of the Exacutive Government of the United States ought not to be invoked outil decisions may be had in the judicial tribunals of the country, before which the parties now are making their claims.

The seizure of an American vessel by a vessel-of war of a foreign power is an act which its wed calculated to accuse the sensitiveness of the American people; but I fruit you will pardon me for soggesting that the light of seizure, permitted by and in execution of our acts of Congress, is widely different from the tribit of search of our vessels on the high seas by foreign critaers for any pupose whatever. In the latter case, American clusters for any pupose whatever. In the latter case, American clusters delaining personal immunity under cover of orders from besting the two seasons and interruptions from parties claiming personal immunity under cover of orders from parties claiming personal immunity under cover of orders from parties the interface of the Unite

with great respect, I have the honor to remain your obedien

JOHN McKEON,

tervant,

United States District-Attorney. The Hon. Lewis Cass, Secretary of State, United States, Washington, D. C.

THE TURF.

Usion Course, L. I.-TROTTING-Tuesday, June 2, 1858.—Match, \$500; mile heats, to wagons.

MARINE AFFAIRS.

THE REGATTA TO-MORROW. To-morrow morning, at 10 o'clock, the yachts entered for the Regatta will start opposite the Club-House, Hoboken, for Sandy Hook, and thence around Long Island. It is not yet decided whether the course will be so extended as to make the circuit of Block Island or not. That will be settled to-day. The tollowing entries have thus far been made:

lowing entries have thus far been made:

Haze. schooner. W H. McVicker
Sylvie. schooner. W A. Stebbils.
Favorita. schooner. A. C. Kingdand.
Wildgell. schooner. W Mr. Efgar.
Undin: sloop. L. W Jerome.
Rebecca. sloop. J. G. Bennett, jr
Madgie sloop. R F. Loper.
Urs. sloop. W B. Duncan.
Minde. sloop. B. W. Thomas.

A sense of delicacy has prevented Mr. Waterbury from entering his yacht. He certainly owes it to him self and the Club to try the Julia against the other yachts or the Atlantic, and we understand that he intends to do this, without competing for the prize. A number of merchants on 'Change yesterday subscribed handsomely toward purchasing a cup, to be sailed for in this regatta, in addition to the sweepstaker.

A DESERTED SHIP PICKED UP AT SEA.

Yesterday morning a crippled brig, with bowsprit, cutwater, and all her head-gear gone, crept into Sandy Hook, apparently in a sinking condition. A great hole had been stove in her port bow, cutting through all her timbers clear to the water line. The stout oak planking around the stem was crushed like an eggshell, and one could see away into her hold. Who this stranger was robody knew; but it was very evident that she had experienced some pretty rough usage. Some thought she had struck an iceberg: others, that the tornado had been shaking her up. One very acute individual was sure that the Styx had put a cannon ball through her; the knowing ones said she had been in collision with some other vessel. When the little steam-tug that had her in tow had moored her in Burling slip, our reporter paid her a visit. He was received by a very modest, sun-burned son of Neptune, who told him that the brig had been found abandoned at sea. He said his name was John Porter, and he

was the mate of the brig Caroline, Capt. Whiteberry, belonging to the Ranama Railroad Compa-The Caroline sailed from this port on Wednesday last for Aspinwell. On the following Saturday, at 74 in the morning, when about 150 miles S. E. by S. of Barnegat, they discovered an abandoned brig and boarded her. She proved to be the Issbel Baurmann, which sailed from New-York for Port-au-Prince on the day before the Caroline left. Not a soul was on board, save those who had just boarded her. It was evident that she had been run into and her officers, passengers and crew supposing that she was about to sink, had deserted her, probably taking refuge on the ship which had been in collision with her. The brig was in a terrible plight. Her port bow was completely smashed down some distance below the water line, her bowsprit towing over the bows, her sails clewed up, the mainsail towing overboard, there were already six feet of water in her hold, and the sea was washing over her deck. A terrible scar high up on her foremast indicated that she must have been in collision with a large ship, and the fact that the brig's boats were still on board, while every possible thing of value had been removed, showed that the crew had been taken off at leisure. In the cabin they found a lady's bonnet and hood, and on the quarter-deck a dish of beef and soft bread, which had evidently been laid down there at the time of the disaster. The bedding and small stores, together with the papers and all but one compass, had been taken, leaving only the mattresses, chairs and table in the cabin. They found out where she was from by a notice of her clearance, in The Sun, which had been left with other papers in the cabin. There was not even a flag on board, so that, as Mr. Porter naively remarked, "we couldn't run up a flag of distress and back out if we'd a wanted to; and if the Stynx had come along she might have fired a hundred shots into us before we would have hoisted a rag; unless, indeed, we sent up a lady's petticoat we found lying around here loose." Capt. Whiteberry set all hands to work clearing the wreck, resolved to get her into port if possible. Mr. Porter, his mate, and two men named Thompson of Philadelphia and Johnson of Rotterdam volunteered for the perilous service, and the Captain returned to his versel. Mr. Porter cut away the wreck forward and let anchor and bowsprit go. He then lowered himself by a rope into the water and set about stopping up the holes in the bows by stuffing them with tarred oakum, and nading canvass over all. After working hard through the day, they succeeded in freeing her of water, and making her comparatively tight. As the bowsprit and head gears were all gone, the foremast was wholly unsupported, save by the stays. Rigging a purchase tackle, they maraged to secure it with ropes, in the best manthis under the circumstances, and having taken in a supply of breadstuff and small stores, Mr. Porter sent the rest of the men back to the Caroline, and 7 in the evening, and bidding his captain good bye, headed the wreck for the north. Fortunately they had light and variable, but generally favorable winds; and the brig made pretty good progress. Mr. Porter found a ecuple of demijohns of common liquor in the cabin, which be thought it advisable to throw overboard; a case of London porter, however, which he also found, proved very acceptable. The task of navigating the disabled craft was no easy one. It was necessary to keep her constantly before the wind, as, if taken aback, her mas's would probably have gone overboard. The tackle and running rigging were also very stiff and difficult to handle, and as it was constantly necessary to trim sails, and every half hour to try the pumos, it may well be supposed that the labors of the three men were sufficiently arduous. From Saturday night until yesterday morning they did not sleep, except for a few moments new and then. On Monday morning a pilot boarded the brig, and they have got into the Hook on the same would night but for the storm, which came on during the afternoon, it came from the N. E., and struck them when off the Highlands. Heading the brig to the S. E. they rode it out bravely, entered port yesterday morning, and was towed to the city. Tas brig was visited yesterday afternoon, in Burling hp, by a number of nautical men, all of them expressed their amazement at the daring of her hardy rescuers. The vessel and cargo were worth \$30,000; of course the latter has depreciated considerably from being wetted, still the prize is a rith one, and will well reward the sailors. Mr. Porter is a native of London, but a citizen

nearly two years been in the service of the Panama Railroad Company. The following passengers sailed in the Isabel Baurmann on the 13th inst., for Port-au-Prince: J. D. St. Herman, Jules Villars, Miss Eliss Alexis, John Pri-

of this country, about 30 years of age, and has for

The officers and crew of the brig were Capt. Jas. H. Tamss: Andrew Ross of New-York, aged 41: John T. Richard, New York, 22; P. Nelson, New-York, 24; Henry Brown, New York, 25: George Aspbry, Pa. 32; Charles Smith, Maine, 27, and Henry Alfred, Me., 18. There is every reason to believe that these people were all safely taken on board the vessel which came came into coolision with the brig. The following is a list of the brie's cargo:

506 harrels flour, 400 do, posk, 27 do, beef, 8 tieroes hams, drums codifish, 67 begs 15 casks butter, 175 kegs sard 35 base cheese, 30 do, regars, 200 do map. 22 bales 1 hogshead tobacci 100 balf barrels rice, and a quantity of lumber on deck.

The vessel was owned by R. Murray, jr., and cleared by Delafield & Wilson. Both brig and cargo are insured in Wall street.

DISINFECTING THE SUSQUERANNA. We endorse the following sensible article upon the above subject which we find in the last number of The Scientific American. "Official stupidity" is indeed

"The Susquehanna—Official Stupidity.—This no ble frigate has now been laying at anchor in the lower bay for about three months, entirely deserted and exposed to the action of the elements, by reason of a stupposed prevalence of the dreaded yellow fever infection on board of her. The Navy Department having at length decided to relieve the vessel from her present position, the Board of Health have adopted the recomplete.

mendation of Health Officer Thempson, which is, 'that the storce and supplies of the frigate be dis-'charged, and that she be disinfected,' and in pursu-ance of the above plan, the Health Officer has issued his orders for the removal of the stores to the Govern-ment warehouses, and has requested Commander Keerney to detach stevedores and lighters for this orpuse. Tre subsequent disinfection he proposes to ecomplish as follows: 'To sweep, scrape, scrub, femigate, whitewash and ventilate in the ordinary 'manner, and then to piace in contact with the walls 'and flooring of the vessel a mixture of pounded ice and sait, and to keep the same on board till a temperature far below the point of frost be secured in the 'hold of toe frigate, and until the effect of the freezing mixture shall be decidedly manifest upon the internal woodwork of the versel."

"We are tempted to exclaim upon reading this es-pient proposal, 'Was there ever such official stu-pidity!' Having waited until the yellow fever seaeen and the hot term are fairly upon us, and having allowed the favorable Spring months to pass by, the Health Officer now proposes to commence operations by exposing a number of laborers to the influence of

by exposing a number of laborers to the influence of the infection, and at the same time to dissemirate the disease by distributing the supplies of this vessel throughout the public storehouses.

"It certainly does not require any great amount of common sense to see that disinfection should at all events precede any attempt to discharge the contents of the vessel, and we hold that the Health Officer, by pursuing any others, is likble to the individuals and the community whose safety he thus endangers. We should also like to know what expediency can demand the prosecution of this work at this season. The vessei has, as we understand, nothing on board but ordi-nary raval stores, and the value of these will not be essentially impaired by remaining in their present condition another three months, or until the arrival of autumnal frests. Whatever is perishable on board the frigtte has probably been already rendered en-tirely worthless. It were better, as far as dellars and cetts are concerned, that the vessel itself should be set on fire or scuttled, tather than that the life of a single one of our citizens should be endangered. It the name of humanity, we protest sgainst this move-

DESTRUCTION OF A FREE EPISCOPAL CHURCH BY THE TORNADO.

A WORD FROM UNDER THE RUINS TO THE PUBLIC.

The hurricane of Monday afternoon, among other evidences of its awful power, blew from the stone foundation and utterly demolished the beautiful new building erected in Fifty-fourth street for the free Church of the Good Shepherd.

It had cost the undersigned the labor of the best years of his life, and all that he had earned, together with the contributions of his friends, to erect this edifice, where all might enjoy the ministrations of the Gospel on free and equal terms. But one short hour has darkened all his hopes, and left him without resources enough even to clear away the rubbish. Nevertheless, this paragraph, written under the ruins, is to certify that he intends, by God's blessing, to "try again." And if any friend will invest even a widow's mite in this endeavor to provide a house of worship free for all, he will thankfully receive and acknowledge such assistance.

R. HOYT, Rector of the Good Shepherd Free Church, & Delisser, No. 508 Brondway; Randolph's Address Stanford & Delisser, Bookstore, No. 683 Broadway.

ACADEMY OF MUSIC.

THE OPERA OF SAPPHO. The wees of Seppho have been sung to death. Allegory, too, is dead. Lovers' leaps are roccoco. The classic drama in opera is disposed for that of subjects of the medieval time and later; so, too, in poetry and in paintings. The age has got tired of wry-necked retrospection to the Greeks and the Romans. Even the Egyptian collection of Dr. Abbott-intertwined as it is with old biblical facts and affections-doesn't pay for its gas bills. Doesn't pay for its gas bills, though the learned Seyffarth, A.M., Ph.D., D.D., in his late work, uses it to endeavor to prove that the world is not, Sir, in its dotage, and that Sankoniathon and Melarcthon didn't make the dynasties 20,000 years old more or less, but that Abou Djufar Moham settles the age of our planet, by showing that when the earth first began to whirl, after standing still for a moment ready for the race, Saturn stood 29° east in Libra, Jupiter 15° in Cancer, Mars 28° ip Capricorn, the Sun 0° in Aries, Venus 27° in Pieces, Mercurf ditto, the Moon' 30 in Taurus, and that this was the beginning of the world, and since that day these heavenly bodies have never stood thus again (a fact highly probable). But we digress. Our business is with Sappho and not with the Pharaobs. Sappho lived at a time when poetry was a necessity. Now it is a luxury. Whose would see and hear poetry measured by the early standard should go to Persia and mark the effects of the muse on the Persians. Sappho loved as a poetess should love. Sappho was an immense pet on the revival of letters. When Music, heavenly maid, first began the Solfeggi in Italy, Sappho was in demand. Those unhappy wretches, Orpheus and Euridice, and Sappho, about divided the palm of the opera, as given in Venice and other "provincial towns"-none of the cities, by the way, which evolved the lyrical immortalities in that land being of sufficient size to merit the notice of a genuine New-Yorker. When a bass viol and viola d'amore formed the orchestra, Sappho cang and broke her neck; now that brass and big drum detonate the flutterings of the virgin heart-Sappho turns up again. Sappho is at home in opera. Because in her day poetry was sung. When Virgil played the ape wrote an epic, and wrote Arma Virumque Canohe, like our modern sculptors, thought he was inspired, while he was only copying a dead idea. To Sappho on the opera boards declaiming all her woes to music is a beautiful type of the past, and would be specially interesting but that the classics have been overdone; and the claims of the last few centuries on history and art make us indifferent to attic salt and laconic pepper. So Sappho must rest for her success on her bumanity and artistic merits, apart

from time and place. The composer, Pacini, in this opera has done his work, for the most part, brilliantly. As a melodist, he is not of equal merit with some others that might be named. He is clean and clear enough, but is deficient in the afflatus of memorableness. In professional treatment of the voice he is excellent. In judicious orchestration he is excellent. To this must be excepted the band on the stage, which he handles feebly; and the harp, which he uses to excess. As regards the voice-writing, more choral effects, where a crowd of priests are ready to give them effect, would have

been acceptable. In this respect the opera is deficient in ecclesiastical seriousness. Pacini is one of the Italian composers who is but little known out of Italy. He has written a great deal-much to order, so to speak-quiskly come, and as quickly gone. We do not recollect at the moment the period at which Sappho was produced. but it is evidently a late work-that is to say, not over twenty years old. The scores of Pacini exhibit a good deal of a certain kind of detail. That is to say, he takes an ornate figure as an accompaniment, in place of mere chords, and works away at it with most mesaic like minuteness. For the rest, he does not overlay or fatigue his voices, as is the fastion now.

The ex-cution of the opera was pretty good for a first hearing. There was a want of decision at times, and sometimes the voices were in one key and the orchestra in another. But these little things are inseparable from hurried rehearsals, and can be set right on the second representation. The " first blood drawn" was by the solo of Gassier, which was very fine. The aris of Miss Phillips was capitally rendered, and vociferously applauded. Mess P. evidently is a hard student. A duet betwirt this lady and Mme. Gazzaniga drew forth an encore. An air of Brignoli was beautifully given and vastly approved. The acting of Mme. Gazzaniga at the culminating point of the plot may be cited as among the best samples of this lady's extraordinary talent. The graceful Greek dress, the fine presence, amplitudinous gestures, passionate face, intense declamation, all give luster to the delineation. The actors were several times called before the curtain

The house was thin-the heat being excessive, and the rain threatening. The opera, however, was a success, and will attract, doubtless, a good auditory toCITY ITEMS.

THE TORNADO OF MONDAY .- An observer of this phenomenon says that the storm seems to have collected on the mountains lying west of the Hudson, and was observed hovering for several hours over the perthern part of the city. At 3 o'clock in the afterroon it had commenced its progress. In its van a large dusky cloud had gathered, in form somewhat like the head of a large elephant with its proboscis extending to the gound, as if feeling to find the proper route of the destroyer. A furious whirlwind attended its progress through the northern part of the city. It was of such a density that the observer could scarcely behold any object which it had enveloped; and buildings too slightly put together, were torn down, antoofed, and in some instances transported to considerable distances, scattering along the way the rules thus made. The course of the tempest was southeastward.

In half an hour the fury of the storm was over, and the pioneer cloud was seen to cross East River to W1liamsburgh. Here it was more destructive, both to life and property. Passing to Brooklyn, Western District, it was for a time really frightful in the ruin it occasioned. It soon passed further to the southeast, leaving the land to expend its further violence on the ocean. New York, in the neighborhood of the Battery, South Brooklyn and Statten Island were exempt from its ravages.

THE STORM ON THE HUDSON .- Poughkeepsie was not visited by a drop of water or a breath of air yesterday. Five miles from that city the rain descended in torrents, the wind blowing a perfect gale all the time. The storm did not reach farther than Tarrytown, and though severe, it did not prevail to such an extent as in the city.

SAVE THE BOYS .- If one will take a walk down Nassau, Folton, Ann and other streets of this neighborhood, late at night, or toward morning, he will find, if he will take the trouble to look, at the bottom of many of the steps leading to basements, boys who find to these places their nights' lodgings. Some of them have no other homes, and are merely unfortunates; others prefer these to more comfortable, but more con fined quarters, and are only vagrants; others still, whether they have better homes or not, choose these places because, in their criminal courses, they answer their purpose better than more respectable and fixed abiding-places -and these are thieves.

As a question of political economy, putting a ide all humane impulses, it is worth while to save these boys, or even a fair per centage of them; for they are to go to the making, as far as they count, of the men of this city half a dozen years hence. They will all have the right to vote at the next Presidential election but one, and they will help us make-perhaps make for us-our Mayors and Aldermen long before that time con round. Would it not be best that somebody should dive down into these dark stairways where so much nascent wickedness swellters through the hot Summer nights, and drag it out into the light? Should not some effort be made to turn these boys, who are now bound straight to the devil, somewhat in another direction, if it were only a little way? One man, we understand, Mr. Revell, who is connected in some way with the Five Points Mission, has undertaken to do something in a work so loudly called for, and has met with some success. The unfortunate are generally glad ecough to go with him, and the needy vagrant can sometimes be persuaded when a home in the country and a promising future are held out to them. But the criminal he cannot even catch, much less persuade, for green fields and kindly farmer's houses have no allurements for them compared with the delights of thieving and other adventures to which they devote their vicious young energies. For this class, therefore, but little can done except through the aid of the police-and Mayor Tiemann could not do better than take the matter in hand. But for the rest, a great deal can and should be done, and the man who, like Mr. Revell, undertakes such a work, would receive not merely countenance but aid. To save a few hundreds even of these boys during the Summer would be an act of large and far sighted benevolence.

STRAWBERRIES-A STANDARD MEASURE WANTED. -Is it because it is a small matter that our city fathers cannot provide a standard of measure for strawberries that would open all our eyes with astonishsmall fruits? The city is now consuming an amount of ment if it could be correctly stated. The sum of money daily paid by this city for strawberries is enormous. We guess it is \$10,000 a day, as that is only a cent a head for the people in and around it that buy strawberries. Yet, with all this great interest pending, we actually have no regulation whatever of the standard of measure. The fruit is sold, sometimes by the quart, and tolerably fair measure, and sometimes by the box of very uncertain measure, but almost wholly by the basket, of all sorts of measure, and frequently varying so much in size that one of one man's baskets will fill three of another man's. Probably the average is about 4 to the quart-128 to the bushel-and average price to the consumer, at this time, say 4 cents a basket-\$5 12 a bushel. The baskets sold at 3 cents are generally smaller sized or damaged berries. We tried an experiment yesterday with baskets out of two crates standing side by side at a grocery, and both for sale at the same price, four cents a basket, and found that in one the berries of three baskets weighed a pound, and in the other it took the contents of four baskets, and yet the similarity of appearance was such that a person, unless very skillful in the art of measurement by the eye, would be just as likely to take one kind as the other. Here, then, is a difference by the only true standard of measurement, the balance of three to four-one person getting just as much for twelve cents, as another gets for sixteen. In many cases the difference is still greater, and as the appearance by measure is very deceptive, the only true standard is weight. would be very easy to pass an ordinance, one which would work no hardship to the producers, but promote honesty among them, requiring all strawberries to be sold in backets of half pound each, on pain of forfeiture for a violation of the ordinance.

BULL's HEAD.—The supply of beef cattle this week slikely to prove so much above the demand that prices will probably range a cent a pound for the meat wer than last week. There was reported last evening at the great cattle market in Forty-fourth street, for sale this week, over 3,460 head, and some other small lots were expected, and we have rarely seen a duller prospect on Tuesday evening than the present. Very buyers were present, and we heard some of them acknowledge that they bought cattle at \$10 a \$12 a head less than that day week. It is not probable that anything can be sold at this market higher than \$10 a cat., and certainly some of the sales yesterday evening were below that figure. Two or three droves of as fine steers as any in market were taken to go into the country, and we wish that more of the surplus could take the same course. We hear of sales to butchers at Bergen of 400 head, which, with the small stables added to the stock at Fortyfourth street, will make up about 4,000 head for this week. That will account for the fall of price. It is possible, however, notwithstanding the gloomy prospects yesterday, that the market may rally to-day.

M. Adenie, a French conjurer, gives a performance at the Metropolitan Music Hall, opposite Niblo's, this

REVIEW OF THE METROPOLITAN POLICE FORCE BY THE GOVERNOR.—The Metropolitan Police force turn out to-day in full numbers for parade and review. At 121 o'clock in the afternoon the force will assemble on Broome street, and march down Broadway to the Park, where at 2 o'clock they will be reviewed by Gov. King, in company with Mayor Tiemann, Common Council and Police Commissioners. After the review, the force will march up Chatham street and the Bowery to the Washington Monu nent, thence up Second avenue, through Seventeenth street, Fifth

avenue. Tenth street and Broadway to headquarters, where they will be dismissed.

SASITARY .- Police boat No. 5 and crew, under command of Sergeant Brevoort, has been sent by the Gereral Superintendent on a tour of duty along the dock for sanitary purposes.

CRIMES AND CASUALTIES, -James Mulholland, a resident of Yorkers, N. Y., was attempting to stop a span of runaway horses in West street yesterday, when he was knocked down and injured. His left knee was fractured. The Ninth Precinct Police took him to the Hospital.

Corener Hill's held an inquest on Tuesday at No. 27 Vandewater street upon the body of a child six years of sge, named Wm. Mannix, whose death was caused by injuries received on Sunday afternoon. The child, it appears, was amusing himself by sliding down a bannister, when he lost his hold and fell headlong to the floor, receiving injuries which resulted fatally on Monday night. The Jury rendered a verdict of "Accidental death.

James Hampton and John McCarthy were arrested early yes erday morning by Officers Demarest and Dunn, of the Fifteenth Precinct, charged with attempting to break into a dwelling house in Brevoort place, Tenth street. The officers watched the men some time until their suspicions were aroused as to the true character of the parties. Upon the persons of the prisoners were found candles, matches, chisels and false-keys. The accused were taken to the Jeffereen Market Police Court, but the evidence against them being insufficient they were discharged.

Mary Smith and Ann Shields yesterday entered the store of Mr. Black, Second street, under pretense of purchasing a dress pattern, but appearing not to like the goods, left the establishment. Mr. Bisck immediately missed a piece of sik and stopped the women, and calling in an officer, gave them into custody. Upon their person was found a piece of sick valued at 82%. Justice Steers sent the woman Smith to prison, and discharged the other.

A weman, name unknown, attempted suicide yesterday morning at No. 108 Cherry street by cutting her throat with a knife. She was taken to the Hospital. John Higgins, an employee at the Novelty Works,

accidentally fell from the top of a large boiler yesterday, and was dangerously injured. He was taken to the Hospital.

SORT OF CONFIDENCE GAME -Antoine Bursch, & German, about 50 years of age, was arrested yesterday afternoon by Officer Keyser, charged with robbing Mary Smith of No. 44 Elizabeth street of \$100 in back bills and gold. Mary, it appears from the complaint, had the above amount in a bank and was induced to draw it therefrom by Bursch, who set fort that she could invest it in wine and clear \$50 by the operation. Not suspecting anything wrong, Mary obtained the money and went with Bursch to a house up-tows, where he took the amount from her and requested her to wait on the sidewalk a few moments. The few mo ments amounted to two hours, and Bursch not making his appearance Mary made search for him, but without effect. No one in the house knew anything about the mar. Yesterday she met him in the street, being the first time she had seen him since the transaction above mentioned, and caused his arrest. Justice Osborn sent Bursch to prison in default of bail.

FIGHT IN A PORTER HOUSE.-Yesterday morning at 1 o'clock a sailor named Joseph Rice entered the liquor store No. 57 West street and called for drinks. which were furnished him, but which he refused to pay for. The bar-tender, James McCoughlin, becoming very angry about the matter, seized Rice by the coat collar and turned him out into the street, and by way of enforcing upon his mind a future recollection of the occurrence, rapped him over the head with a club. Rice seized a cart rung and rushed into the store, caught hold of the bar-tender, and struck him with the rung over the head until he became insensible. McCoughlin was conveyed to the Hospital, where he now lies in a critical condition. Rice was arrested and taken to the Lower Police Court, and committed to prison to await the result of McCoughlin's injuries.

A CORRECTION.

To the Editor of The N. Y. Tribune.

Sir: The gentleman whose death by an accident on the Long Island Railroad on Saturday last is noticed in your paper of to day was Mr. William G. Hammond, senior, and not William G. Hammond, is, the late law partner of S. E. Johnson, esq., of Brocklyn. The deceased was formerly a member of the Rhode Island bar, but retired from active practice maky years since.

J. M. E.

New-York, June 22, 1858.

JESSIE WHARTON THIS AFTERNOON.—A delightful opportunity. This exquisite American drams is to be re-peated at BARKEN'S MUSEUM THIS AFFERNOON. It is charming thrilling, truly beautiful. Blancherd and his Dog in the Murder Ferryman, and also The Rough Diamond THIS EXENING. Here's the contract the process.

SHETLAND SHAWLS AND WOOLEN HALF HOSE. A Fine Assorment of
GENUINE SHETLAND GOODS,
All Knit by Hand,
At RANKIN'S, No. 96 Bowery.

PHOTOGRAPHING LIGHTNING. - In the event of Europe being hitched on to the tail of America by the telegraph cable, Holmes will send an artist to St. John's to take a photograph of the score, and will have copies of the same for sale at the Gallery, No. 239 Broadway.

PROTOGRAPHS,
AMEROTYPES and DAGGERREOTYPES,
Nos. 359 and 205 Broadway, New-York, and No. 352 Pennsylulis sv., Washington, D. C.

THE METALLIC TABLET STROP-Invented by GEO. SAUNDERS, A. D. 1816.—This, the genuine article, has never been equaled for producing the keenest possible edge to a razor. Can be obtained of the subscribers and sole manufacturers, J. & S. SAUNDERS, SCIE NO. 7 Astor House.

A PROFESSOR OF LAW wanted in the department of Elementary Law in the State and National Law School, Poughkeepsie, N. Y. Good compensation given. To a compensation gentleman it will be a most destrable situation. Apply to

[Advertisement.]
To start for a successful career, one NEEDS TO KNOW HIS DEFECTS as well as his talents and capabilities. A correct Phrenological Examination may be obtained cally at FOWLER & WELLS'S, 38 Broadway.

LAW INTELLIGENCE.

SUPERIOR COURT-SPECIAL TERM-June 22.—Before Judge

CASES SETTIED.

CASES SETTIED.

Williamson and others, Trustees of the Franklin nion, sgt. W. W. Dikeman and others, Joei sgt. The Mayor, &c. SUPREME COURT-CHAMBERS - June 22. - Before Judge George McIvor agt. Mary McIvor.—Referred back

to Referee for further testimony; the declaration, &c., of the wife a one are not sufficient.

The Cocheco Manufacturing Co. agt. Aaron Jacobs et al.—The order for the examination of A. Jacobs discharged ithout costs.

et al.—The order for the examination of A. Jacobs discharged without costs.

SURROGATE'S COURT-JUNE 22—Before Enward C. West.

In the matter of the estate of Henry C. Patchin, deceased. Further testimony was taken in this case to-day. The widow of deceased asks letters of administration upon the estate of deceased, but her application is contested by the other restitus, on the ground that she was nover married to deceased. A. W. Bradford for claimant; Richard Busteed for contestants. The relatives urse that the claimant assumes a position to which she is not entitled, and call in question the truth of the statements made by her witnesses in regard to her marriage. The claimant insists that the marriage was a fact succeptible of proof. The case was selfourned for a further hearing.

The will of William Sinchar, deceased, late a pursor in the United States Navy, was admitted to probate.

The will of James P. Allaire, late of the Allaire Works was offered for probate.

Charles Nagle was convicted of stealing bank notes.
Penitestiary two months.

Ann Moore was convicted of stealing a pocket-book and silver coins. Penitestiary six months.

Mark Howland was convicted of stealing a bridle.

enitentiary two months.

Ann McAultiff was convicted of stealing a silver such and vost chain. Penitentiary two months.

David R. Thompson was convicted of stealing two icres of ice. Penitertiary six months.

Thomas Durley was convicted of stealing a coat.

nitentiary six meeths.

Hannah O'Connell was convicted of stealing bank is. City Prison 50 days.

Michael McGrath was convicted of an assault and

Arn Conneily was convicted of an assault and baty on Theresa Teubrook. Penitentiary two moutas. James Kemson was convicted of an assault and bat-

ry on Barney McMahon. Fined \$20. Thomas Madigan was convicted of an assault and

Thomas Madigan was convicted of an assault and battery on John Bennett. Fined \$28.

Enterstina Abrabam was convicted of an assault and battery on Pena Appleton. Fined \$48.

John Schreider was convicted of an assault and battery on Caroline Ellenbrab. Fined \$3.

Hanneh Davis was convicted of an assault and battery on Ellin O'Neil. Judgment suspended.

Lewis Deders was convicted of an assault and battery on Ellin O'Neil. Judgment suspended.

Meyer Hees was convicted of an assault and battery on Spha Deders. Judgment suspended.

James Creamer was convicted of an assault and battery on Margeret Hurley. Judgment suspended.

Barrey Lappan was convicted of an assault and battery on Cathatine McKinney. Judgment suspended.

William Bulle was convicted of an assault and battery on Cathatine McKinney. Judgment suspended.

William Bulle was convicted of an assault and battery on Cathatine Collins was convicted of an assault and battery on Samuel Brunswick. Judgment suspended.

Catharite Collins was convicted of an assault and battery on Mary Lysaught. Judgment suspended.

John Rogers was convicted of an assault and battery on Mary Lysaught. Judgment suspended.

John Rogers was convicted of an assault and battery on Mary Lysaught. Judgment suspended.

John Rogers was convicted of an assault and battery on Mary Judgment suspended.

John Rogers was convicted of an assault and battery on Mary Jame Thompson. Judgment suspended.

William Gal agiver pleaded guity to an assault and battery on bis wife. Judgment suspended.

Deniel Hogan pleaded guity to an assault and battery on bis wife. Judgment suspended.

William Boyd pleaded guity to an assault and battery on his wife. Judgment suspended.

William Boyd pleaded guity to an assault and battery on his wife. Judgment suspended.

William Boyd pleaded guity to an assault and battery on his wife. Judgment suspended.

William Boyd pleaded guity to an assault and battery on his wife. Judgment suspended.

John Connell, James Leary. Daniel Connell and Michael Conway, pleaded guilty to an assault and battery on Joseph Black. Judgment suspenced.

THE HOWARD-STREET HOMICIDE.

TRIAL OF DANIEL CUNNINGHAM FOR THE AL-LEGED MURDER OF PATRICK M'LAUGHLIN.

COURT OF GENERAL SESSIONS.—June 22.—Before
At the opening of Count yesterday, ex Judge Whiting commenced summing up in the case of Canaingham for the murder of Patrick McLaughlin. He spoke for two hours, claborately reviewing the evidence, and was followed in an eloquent spench by Mr. Sedgwick, the Assistant District Attorney. Recorder Barnard then delivered the following critical charge:

Charge:
GESTLEMEN OF THE JURY: Daniel Cunningham

has been indicted and placed on his trial for the mur-der of Patrick McLaughlin.

The prosecution allege that the deceased came to his death by means of a pistol-shot fired by the prisoner.

The justification set up for the act is, that it was done in the processary self-defence of the prisoner.

The justification set up for the act is, that it was done in the necessary self-defense of the prisoner.

The evidence having been finished, it becomes the duty of the Court, previous to the case being finally submitted to you, to lay down for your guidance those legal principles which are applicable to the case, and the definitions of the various grades of crime of which the prisoner can be convicted, provided, in your judgment, the facts will warrant you in so doing. It is your duty to say whether or no the facts proved bring this case within any of the principles to be laid down for your governance.

The killing of a human being without the authority of law by shoeting, stabbing, or any other means, or in any other manner, is either murder, manishaughter,

in any other manner, is either murder, manslaughter, or excusable or justifiable homicide, secording to the facts and circumstances of each case. Such killing, unless it be manslaughter, or excusable or justifiable facts and circumstances of each case. Such killing, unless it be manstaughter, or excusable or justifiable homicide, shall be murder, when perpetrated from a premeditated design to effect the death of the person killed, or of any human being. Murder, therefore, is the killing with malice. Any formed design to do a wicked or unlawful act may be termed major. Malice is a deliberate, wicked temper; it can soldom be proved by express declarations, but must be inferred and collected from all the circumstances attending and surrounding the nature of the transaction and manner of the killing. Deliberate killing without passion, whatever may have been the provocation, quickes it was conticued up to the time of the intiction of the fatal wound,) is murder—for if the prisoner was cool, self preserved, and master of his passion, and had the full exercise of his judgment, he must suffer the effects of his conduct.

The low presumes that the natural and probable Consequences of every act deliberately done were intended by the personer, and the burden of proof to overthrow this presumption lies with the prisoner. If, therefore, a killing be proven to have been committed by the prisoner, and nothing further shown to the satisfaction of a Jury, excusing it, the presumption is that it was malicious, and an act of murder. The formation of an intent to take life a moment before the blow is inflicted is sufficient to constitute malice.

The statute provides that the killing of a human

malice.

The statute provides that the killing of a human being is justifiable when committed by any person in the lawful defense of such person, when there shall be reasonable ground to apprehend a design to commit a felony, or to do some great personal injury, and there shall be in minert danger of such design being accomplished.

By the word felony, Gertlemen, you are to under-

By the word felony, Gertlemen, you are to understand an offerse for which the offender, on conviction, shall be liable by law to be panished by death, or by imprisonment in a State Prison.

It is not necessary that a person should suffer himself to be dangerously beaten, with a praspect of its continuance, before the law would justify him in defending himself. The rule extends to those cases where the party assailed stands in imminent danger of death, or of great bodily usjury at the hands of his assailant—he must not only have his mere naked belief, but must see some attempt on the part of his assailed. her, but must see some attempt on the part of his as-sailant to execute his design, or that he is in an ap-parent situation to do so, which would thereby reason-ably induce him to think that he intended to execute ably induce him to think that he intended to expense his design immediately—in other words, the danger must be actual, imminent and urgent—no coatingent necessity will avail. If the prisoner at the time of the firing of the pistol had grounds to believe that the deceased intended to commit some great bodly harm upon him, and it is made to appear on the trial that he acted on that belief, and the Jury are satisfied that these were reasonable grounds upon which to found an apprehension of such a design in the mind of the prisoner, then he would be justified.

the prisoner, then he would be justified.

In cases of personal conflict in order to receive the benefit of such defense, it must appear that the party killing had retreated either as far as he could by reabenefit of such defense, it must appear that the party killing had retreated either as far as he could by reason of some wall or other impediments, or as far as the fierceness of the assault or the nature of the circumstances would admit. If it appear that the conflict was, in any way, sought by the prisoner, he is not justified. If the attacks of the deceased had desisted, and the prisoner on his part renewed the conflict, then he is not justified. A person is not justified in returning blows with a dangerous weapon where he is struck with the naked hand, and there is no reason to apprehend a design to do him great bodily harm, nor is homicide justified when the combat can be avoided, or when, after it is once commerced, the party can withdraw from it in safety before he kills his adversary. But if, gentlemen, you find, from all the circumstances attending this transaction, that the prisoner had no reason to believe that he was in danger of great bodily injury at the hands of the deceased, but that an ordinary assaut ano battery was all that he had to fear from his acts and declarations, then he is not free from erime in the eyes of the law, but may be convicted of manelaughter. In settling this matter you are to look at the situation of the narties at the time, their accrime in the eyes of the law, but may be convinced on manalanghter. In setting this matter you are to look at the situation of the parties at the time, their ac-tions and positions, their conversation, thrests and menaces, as they may have been given before you. You can also consider their relative size, strength and physical powers. You must also look as to who com-mitted the first assault; whether it was continued or stopped, whether there was any reasonable appre-

In the matter of the estate of Henry C. Patchin, deceased.
Further testimony was taken in this case to-day.
The widow of deceased sats letters of administration upon the estate of deceased, but her application is contended by the other relatives, on the ground that she was never married to deceased.
A. W. Bradfrid for chainmant, Richard Busteed for contestants.
The relatives urge that the claimant assumers position to which she is not entitled, and call in querition the truth of the states must made by her witnesses in regard to her marriags. The claimant indicts that the marriags was a fast susceptible of prot.
The will of William Sizclair, deceased, late a pursor in the United States Navy, was admitted to probate.
The will of William Sizclair, deceased, late a pursor in the United States Navy, was admitted to probate.

UNITED STATES DISTRICT COURT—June 22—Before Judge Betts.
Tito Ruffill and Gec. Lewis, were tried for making counterfeit quarters, at No 65 Stanton street, where they were strested.

Angelo Capelli was tried for attemptingito pass a number of cause on the Calendar, 78. Convections, 35.

James O'Brice, previously convicted of picking a man's pocket. Pentientary six mosths.

Eliza Winter pleaded guilty to stealing a piece of clicks. Pentientary six mosths.

Letter with the first assault; whether it was continued on stopped; whether there was any reasonable appreaches the initiative whether it was continued on the heat of the conclusion that under the evidence cannot be convicted of murder, but is guilty of some crime, it then becomes necessary to look at the different degrees of manisaughter. Of these states are four. In my judgment, the first and section that the different degrees of manisaughter in the heat of passion, without a design to effect death, by a daagerous weapon, except where along the recommendation of the manisaughter in the heat of passion, without a design to first the first meanuit, whether it would be continued, and whether the first meanuit, whether it would be continued to ev